

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHAWN TOSH HARTZELL,

Petitioner,

v.

NETHANJAH BREITENBACH, *et al.*,

Respondents.

Case No. 3:24-cv-00028-ART-CLB

ORDER

Pro se Petitioner Shawn Tost Hartzell has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1-1 (“Petition”).) Hartzell has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing a complete application for leave to proceed *in forma pauperis* (“IFP”). Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the 6-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Hartzell states that he “intends to pay the \$5 filing fee once a case number is assigned to this matter.” (ECF No. 1-1 at 1.) Hartzell has 45 days from the date of this order to transmit his payment or file an IFP application.

It is therefore ordered that within 45 days of the date of this order, Petitioner Shawn Tost Hartzell must (1) file an IFP application on the approved form with the three supporting documents listed above, or (2) pay the \$5 filing fee.

1 It is further ordered that Hartzell's failure to timely comply with this Order
2 will result in the dismissal of the Petition without prejudice and without further
3 advance notice.

4 It is further ordered that the Clerk of Court send Hartzell one blank copy
5 of the IFP application form for inmates along with instructions.

6 Dated this 8th day of February 2024.

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10 ANNE R. TRAUM
11 UNITED STATES DISTRICT JUDGE
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